

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OBDULIO RECINOS,

Petitioner,

vs.

ROBERT LEGRAND, *et al.*,

Respondents.

3:11-cv-00492-HDM-WGC

ORDER

This is a habeas corpus petition pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Before the court is respondents' motion to dismiss (ECF #11), which was filed on September 30, 2011. Petitioner has not opposed the motion, despite having received notice from the court of the requirements of *Klingele v. Eikenberry* and *Rand v. Rowland* on October 3, 2011 (ECF #13).

In the motion to dismiss, respondents contend that the petition must be dismissed with prejudice as untimely (ECF #11).¹ See 28 U.S.C. § 2244(d). Respondents also argue that the petition contains unexhausted claims and thus is also subject to dismissal as a mixed petition. See 28 U.S.C. §

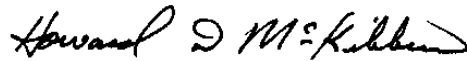
¹ The court notes that the exhibits provided by respondents demonstrate that the petition is indeed untimely.

1 2254(b). Pursuant to the provisions of Local Rule 7-2, petitioner's failure to respond to the motion is
2 a concession on his part that the arguments are valid. Therefore, the motion to dismiss shall be granted.

3 **IT IS THEREFORE ORDERED** that respondents' motion to dismiss the petition with
4 prejudice (ECF #11) is **GRANTED**.

5 **IT IS FURTHER ORDERED** the Clerk shall **ENTER JUDGMENT** accordingly and
6 close this case.

7 DATED this 23rd day of January, 2012.

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9 UNITED STATES DISTRICT JUDGE
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